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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/965,367	11/06/1997	GREGORY J. SPEICHER	935003	3846

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708 THIRD AVENUE  
NEW YORK, NY 10017

EXAMINER
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CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/965,367

Applicant(s)

SPEICHER, GREGORY J.

Examiner

Jeffrey D. Carlson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 81-144 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 81-144 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

This action is responsive to the paper(s) filed 1/30/03. The first action mailed 3/22/99 erroneously did not address a preliminary amendment originally filed 11/6/97.

The following should clarify the prosecution history in this case:

Case filed	11/6/97	Claims 1, 2
(preliminary) Amendment A	11/6/97	Add claims 183-260
Amendment B	2/21/01	Cancel claims 1, 2 Renumber claims 183-260 as 3-80
<i>Amendment C</i> <i>(copy of amdt B)</i>	2/26/01	--
Amendment D	1/30/03	Cancel claims 3-80 Add claims 81-144

5

Therefore claims 81-144 are being addressed by this non-final rejection.

***Specification***

10 The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

- Page 18 column 18 includes either an email URL or web URL that should be deleted. Similar problems exist for [page:cols] [21:3,20], [22:15], [29:5], [31:4], [32:8], [33:1], [35:3], [38:9].

15 Appropriate correction is required.

***Claim Objections***

Claims 81, 120 are objected to because of the following informalities:

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- Claim 81 line 12 AND claim 120 line 12, "data received by said user" should be replaced by --data input by said user-- because these claims and their dependant claims positively refer to the data as "user input data".
- Claim 120 line 7, "said Internet" should be replaced by --said network--, as no  
5 Internet has been positively introduced.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

10 obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-97, 100-105, 108, 109, 112-117, 120-133, 135-137, 139, 141-143 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US5794207).**

20 Regarding claims 81-86, 94, 100-103, 112-115, 120-123, 131, 135, 136, 141, 142, Walker et al ('207) teaches an interactive system for enabling communication exchange between an advertiser and respondent. Columns 11-23 disclose the most relevant subject matter, including an advertiser and respondent interfacing with the system via their respective Internet-connected PCs/terminals. The system includes a  
25 buyer database and a seller database which store user data using buyer and seller IDs [col 13 lines 1-22, 36, 42]. Column 11 describes the network architecture including an

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buyer (advertiser) interface 400, seller (respondent) interface 300 and central controller 200 which are connected to the internet. The advertiser uses a web browser to access and interface with online forms which are filled out with the specifics of the ad, including various predefined categories. The ad is transmitted to the central facility which stores

5 it and publishes the ad on the Internet, making it available to multitudes of potential respondents. A respondent views subsets of all ads by using a web browser to view ads in specific categories or simply "active" ads [fig 9 and col 18+] or by search term. Responses to the ad may be submitted to the system and received by the advertiser. In fact, both parties may exchange a series of messages/content in order to learn more or

10 to develop an agreement [col 22 lines 40+]. Walker et al ('207) also teaches that the interfaces to the system can enable voicemail audio data to be submitted to the system and stored for audio playback to system users [col 14 lines 60-65, col 17 lines 8-21]. Walker et al ('207) also describes the use of a software package that enables users to exchange messages with enclosures such as graphics, video and audio files as well as

15 offering voice mail, web, email interfaces [col 14 lines 25-30]. Although not specifically stated by Walker et al ('207), it would have been obvious to one of ordinary skill at the time of the invention to have submitted these types of multimedia files (photos, audio, video) with the browser interface during the ad registration process so that the ad communication was more effective, enabling potential users to listen, view and watch

20 features of the ad subject matter, increasing the attractiveness of the ad.

Regarding claims 87-92, 124-129, column 19 lines 13+ and figures 10 and 11 disclose responses by a respondent. The respondent "incorporates seller response 110

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into the ad 100" [lines 40+]. This could be a symbol or indicia (graphic/photo) representative of the seller (respondent). Further responses submitted by the respondent are described in column 22 lines 39+, covering "counteroffers". In this instance, the ad proposal may not entirely to the respondents liking so the respondent submits information (responds) to the advertiser. It would have been obvious to one of ordinary skill at the time of the invention to have also responded to these types of ads with submittal of additional multimedia types as described (image, audio, video). In this manner, the respondent (seller) could send a photo, audio or movie of the goods, so as to more effectively communicate to the advertiser (buyer) the goods/services available.

10 In this way, the advertiser (buyer) can be more confident in the makeup of the goods/services to be sold, eliminating errors, misunderstandings and potential deceit. It would have been obvious to one of ordinary skill at the time of the invention to have exchanged these types of multimedia files in the same manner as the original advertiser could. Column 22 lines 56-58 describe that "the seller follows the same process that

15 the buyer uses to generate CPO 100 (ad)."

Regarding claims 93, 95-97, 104, 105, 108, 109, 116, 117, 130, 132, 133, 137, 139, 143, Walker et al ('207) teaches that the network interface 245 is the gateway to communicate with buyers and sellers through respective buyer and seller interfaces [col 14 lines 8-11]. The network interface 245 may also be configured as a voice mail

20 interface, website (or others) [col 14 lines 27-30] and is taken to provide the interface for submitting ads, retrieving subsets of ads, responding to ads and retrieving responses. Further, column 17 lines 8-25 describe other ways of registering ad content, including

email, voice mail, fax, etc. Walker et al ('207) describes the advertiser using a telephone to register ad content, the audio either being transcribed into text by a live operator, or by preserving the audio file for playback to potential respondents. Column 23 lines 20+ also describe interface with the central controller via telephone. The

5 advertiser calls the system and registers ad data and categories, either with a live agent or without an agent by using an interactive voice response system. Column 23 lines 45-63 further describe browsing ads via phone. The ad content is provided in audio form by the central controller to the telephone user.

10 **Claims 98, 99, 106, 107, 110, 111, 118, 119, 134, 138, 140, 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US5794207) in view of Newlin et al (US5922047).**

Newlin et al teaches in column 12 lines 52-57, the use of providing the audio portion of a video conference call through the plain telephone system (POTS). It would  
15 have been obvious to one of ordinary skill at the time of the invention to have enabled retrieval of the audio portion of a video message through a telephone in the system of the combination proposed. Such would enable in many cases, retrieval of pertinent message portions from a stored video message in the system. This would enable communication exchange to taken place when video has been recorded, even if the  
20 recipient only has access to a telephone to retrieve the message.

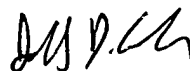
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. 15 Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622